WP(C) 2178/2007

HON'BLE MR. JUSTICE B.P.KATAKEY

Heard Mr. J. Abedin, learned counsel for the petitioner and Mr. P.Roy, learned State Counsel for the Respondent Nos. 1 and 2.

By this application, the petitioner has challenged the notice in viting tender dated 17.04.07 on the ground that his application for extension of the period of lease, which is going to be expired on 30.06.07, has not been con sidered. A further prayer has also been made for consideration of the representa tions dated 22.03.07 and 27.04.07 filed by the petitioner before the Commissione r and Secretary to the Govt of Assam, Panchayat and Rural Development Department .

On a pointed quarry made by the Court about the power of extensi on of the period of lease granted by the authority under the Assam Panchayat Act , 1994, Mr. Abedin, learned counsel for the petitioner has fairly submitted that the said Act does not provide for any extension of lease period and the Act pro vides for its settlement in each financial year. That being the position, there being no provision conferring any power on the authority to extend the period of lease, the first prayer made in the writ petition challenging the NIT dated 17. 04.2007 on the ground of pendency of application for extension of lease, cannot be granted and hence the prayer is rejected.

The second contention of the learned counsel for the petitioner is that the representations dated 22.03.2007 and 27.04.2007 filed by him before the Commissioner and Secretary to the Govt of Assam, Panchayat & Rural Developme nt Department relating to remission of the amount payable by the petitioner in r espect of the lease granted, has not been considered till date and, therefore, n ecessary direction may be issued to consider and dispose of the same within a fi xed time.

Mr.P.Roy, learned State Counsel appearing for the Respondents su bmits that he has no objection if such a direction is issued to dispose of the r epresentation, as prayed for.

In view of the above, while rejecting the prayer for setting sid e the NIT dated 17.04.2007, the present writ petition is disposed of with direct ion to the Commissioner & Secretary to the Govt of Assam, Panchayat & Rural Deve lopment Department to consider and pass necessary orders on the representations dated 22.03.07 and 27.04.07 (Annexures-J & N respectively) within a period of tw o months from the date of receipt of the certified copy of this order along with a copy of the writ petition.

It is made clear that such consideration shall be on the limited prayer for remission of the dues payable by the petitioner only.

The writ petition is accordingly disposed of. No cost.